

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRENDA TOLBERT, *et al.*,

Plaintiffs,

v.

RBC CAPITAL MARKETS
CORPORATION, *et al.*,

Defendants.

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Civil Action No. H-11-0107

ORDER


The Court **ORDERS** as follows:

1. Plaintiffs' motion for leave to supplement the summary judgment record (Docket Entry No. 121) is **GRANTED**. Plaintiffs' Exhibits A and B, attached to the motion, are **ORDERED FILED** as supplements to Plaintiffs' motion and supplemental motion for partial summary judgment (Docket Entries No. 84, 87), Plaintiffs' response to Defendants' motion for summary judgment and reply in support of the motion for partial summary judgment (Docket Entry No. 93), Plaintiffs' surreply in support of the motion for partial summary judgment (Docket Entry No. 100), and Plaintiff's response to Defendants' supplement in support of summary judgment and in opposition to class certification (Docket Entry No. 112).
2. Plaintiffs' motion for leave to supplement the summary judgment record (Docket Entry No. 123) is **GRANTED**. Plaintiffs' Exhibits A and B, attached to the motion, are **ORDERED FILED** as supplements to Plaintiffs' motion and supplemental motion for partial summary judgment (Docket Entries No. 84, 87), Plaintiffs' response to Defendants' motion for summary judgment and reply in support of the motion for partial summary judgment (Docket Entry No. 93), Plaintiffs' surreply in support of the motion for partial summary judgment (Docket Entry No. 100), and Plaintiff's response to Defendants' supplement in support of summary judgment and in opposition to class certification (Docket Entry No. 112). The Court notes that Defendants are

unopposed to Plaintiffs' request to supplement the summary judgment record with Exhibit A.

3. Plaintiffs' unopposed motion for leave to supplement the summary judgment record (Docket Entry No. 122) is **DENIED AS MOOT**. The motion seeks the same relief as requested in Docket Entry No. 123, and appears to have been filed inadvertently.
4. Plaintiffs' opposed motion to join Royal Bank of Canada US Wealth Accumulation Plan f/k/a Dain Rauscher Wealth Accumulation Plan (the "WAP") as a party defendant (Docket Entry No. 126) is **DENIED**. As noted by Defendants, Plaintiffs named the WAP as a party defendant in their original complaint, but subsequently deleted it as a defendant in their first amended complaint. Plaintiffs acknowledge that they are asserting no claims against the WAP, and that they seek to join the WAP "out of an abundance of caution." No grounds for permissive joinder of the WAP as a party defendant under Federal Rule of Civil Procedure 20(a)(2) are shown by these arguments.

Signed at Houston, Texas, on this the 21st day of December, 2012.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE